IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 5TH OCTOBER 2006 / 13TH ASWINA 1928

Bail Appl..No. 5323 of 2006

CMP.6012/2006 of J.M.F.C.-II,NEYYATTINKARA
CRIME NO.12/2005 OF NEYYATTINKARA EXCISE RANGE

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PETITIONER:

SHAJIKUMAR @ SABU KUMAR, AGED 32,
S/O. SUKUMARAN NADAR, MANTHARA
PARAMBINTHALA VEEDU, MULLARAVILA DESOM,
PERUMBAZHUTHOOR VILLAGE, NEYYATTINKARA TALUK.

BY ADV. SRI.SASTHAMANGALAM S. AJITHKUMAR

RESPONDENTS:

EXCISE INSPECTOR, NEYYATTINKARA
EXCISE RANGE, REPRESENTED BY THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5323/2006

DATED THIS THE 5TH DAY OF OCTOBER, 2006

O R D E R

The petitioner is before this Court, under Section 439 Cr.P.C., as he is accused of the offence punishable under Sections 12(1) and 55(g) the Abkari Act, for he was found in illegal possession of 930 litres of wash on 5.2.2005, by the Excise Range Inspector, Neyyattinkara. He was arrested on 12.8.2006 and C.R.No.12/2005 was registered. However, another crime, C.R.No.76/2004 of the same Excise Range, for the violation of the provisions of the Abkari Act, was registered and pending against the petitioner, who was not available for arrest. After the arrest in C.R.No.12/2005 of Neyyattinkara Excise Range, the arrest was recorded in C.R.No.76/2004 as well. The petitioner was not arrested in C.R.No.76/2004, till his arrest on 12.8.2006 in the present case.

2. After hearing both sides and considering the

facts that are placed before me, together with the duration of the judicial detention, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the competent Magistrate Court.

(b). The petitioner shall report before the Investigating Officer, once in a week, on every Tuesday, between 10.00 a.m and 11.00 a.m., for a period of four months, starting from 10.10.2006.

The application is allowed as above.

J.M.JAMES
JUDGE

mrcs